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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/038,341
Filing Date: January 04, 2002
Appellant(s): KADRI, SEEMAB ASLAM

THINH V. NGUYEN
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 05/16/2007 appealing

from the final Office action mailed on 10/19/2006.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

- **Claims 1-35** stand rejected under 35 U.S.C. 102 as being anticipated by **Traversat et al("Traversat")** (U.S. Publication No 2002/0143855)'.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the

brief is correct.

(8) Evidence Relied Upon

2002/0143855 A1   **Traversat**   10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the

appealed claims:

1.   **Claims 1-35** are rejected under 35 U.S.C. 102(e) as being anticipated by **Traversat et**

al. (hereinafter referred as **Traversat**) (U.S. Publication number: 2002/0143855A1,

which Claims Priority from Provisional Application No 60,263573 filed on Jan 22,

2001)

2.   **As per claims 1, 11, 21 and 31** Traversat **discloses** an apparatus/method/system/a

gateway device comprising: a **collector inside the firewall to collect a message**

intended for an internal peer inside a firewall [figure 21, ref. SMTP 262, figure 20,

reference "200D" or "200E" OR figure 21, reference "200C" or "200D"] **via a gateway**

device at the firewall,[figure 21, reference "260" or figure 20, reference "246"] **the**

message being transmitted by an external peer outside the firewall; [figure 20 and

21, reference "200A" or "200B"] **the internal peer being registered for an external**

communication across the firewall [Paragraph 0063] (Traversat on paragraph 0063

discloses that a peer group registration across a firewall according to one embodiment. Peer

region 212A is shown outside of a firewall 248 and peer region 212B is behind or inside the

firewall 248. Peer region 212A includes a peer-to-peer platform proxy service 270 and several

peers 200. In one embodiment, a peer 200 serving as a proxy peer that provides the proxy service

270. Peer region 212B includes several peers 200 behind/inside the firewall 248. At some point,

peer 200D in peer region 212B may form a peer group 210. **An advertisement for the peer group**

210 is registered on the proxy service 270 in the region 212A. One or more peers 200 in region

212A is notified of the newly registered peer group 200 by the proxy service 270 which meets the

limitation of <u>the internal peer being registered for an external communication across the</u>

<u>firewall</u>.)

and a distributor coupled to the collector to distribute the message to the internal

peer if there is a match in address information of the message and the registered

internal peer. [figure 20, reference "200D" or "200E" OR figure 21, reference "200C"

or "200D" and paragraph 0032-0033, 0402 and paragraph 0380] (As explained on paragraph

"0033" any peer in a peer group can become a relay peer therefore either of the peers inside the

firewall shown on figure 20 reference 200D or 200E or figure 21, reference 200C or 200D can be

used as relay peers. Relay peer receives message form the source peer as explained on figure 31

reference "522" and also these relay peers which is explained to be either of the reference 200D or

200E is coupled to the other internal peer like peer "200F" as shown on figure 25. Either of these

peers first collect the message and then routes/distributes the message to destination peers using

the cached route information as explained on figure 31, reference "524" and this meets the

recitation of a collector to collect a message intended for an internal peer inside a firewall as well

as a distributor coupled to the collector to distribute the message to the internal peer **and the**

distributing of the message to the internal peer inherently includes the matching in the

address information of the message and the registered internal peers. Likewise, Traversat on

paragraph 0048, discloses that, a relay peer may maintain information on routes to other peers,

and assist in relaying messages to other peers. Relay peers may maintain routing tables which

may be used in relaying messages to their destination. The relay peer may keep information

about routes that it discovers and store them in the route table. This allows the relay peer to build

a knowledge base (the route table) about the network topology as more messages flow on the

system. Route information may include, but is not limited to, the peer identifier of the source, the

peer identifier of the destination, a time-to-live (TTL) for the route, and an ordered sequence of

gateway peer identifiers. **Furthermore on paragraph 0380,** Traversat discloses the fact that the

endpoint routing protocol define a set of request/query messages that is processed by a routing

service to help a peer route messages to its destination. **When a peer is asked to send a message**

to a given peer endpoint address, it looks in its local cache to determine if it has a cached route

to this peer and this meets the limitation of distributing the message to the registered internal

peers if there is a match in address information of the message and the registered internal

peers.)

3.   **As per claims 2,12, 22 and 32** **Traversat discloses** an apparatus/method/system/ a

gateway device as applied to claims above. Furthermore **Tranversat** discloses an

apparatus/method/system further comprising: a gateway interface to interface internally to the

firewall to the gateway device. [Figure 21, reference "260"]

4.   **As per claims 3,13, 23** **Traversat discloses** an apparatus/method/system/ as

applied to claims above. Furthermore **Tranversat** discloses an apparatus/method/system

wherein the gateway interface establishes a continuous connection to a relay server outside the

firewall through tunneling.[Page 37, reference "0456"] (Peers 200A and 200B may access

peers 200D and 200E through firewall 248. In one embodiment, HTTP "**tunnels**" may be used,

with proxies 246 in the "DMZ" of the firewall 248.)

5.   **As per claims 4-5, 14-15 and 24-25** Traversat discloses an

apparatus/method/system/ as applied to claims above. Furthermore **Traversat** discloses an

apparatus/method/system wherein the collector registers to the relay server to act as an

external contact point for the external peer. [Page 23, paragraph "0292"] (A rendezvous peer

may be described as a meeting point where peers and/or peer groups may register to be

discovered, and may also discover other peers and/or peer groups, and retrieve information on

discovered peers and/or peer groups.)

6.   **As per claims 6, 16, 26 and 33** Traversat **discloses** an apparatus/method/system/

as applied to claims above. Furthermore **Traversat** discloses an apparatus/method/system

wherein the gateway device is one of a firewall and a network translation address (NAT) device.

[figure 21, reference "260"]

7.   **As per claims 7-8, 17-18, 27-28 and 34** Traversat **discloses** an

apparatus/method/system/ as applied to claims above. Furthermore **Traversat** discloses an

apparatus/method/system further comprising: a registrar to register the internal peer for

external communication across the firewall. [Figure 25]

8.   **As per claims 9, 19 and 29** Traversat **discloses** an apparatus/method/system/ as

applied to claims above. Furthermore **Traversat** discloses an apparatus/method/system

wherein the collector collects an internal message from a registered internal peer.[figure 21,

reference "200C" and Page 23, paragraph "0292"] to be transmitted to the external peer. [Figure

21, reference "200A" or "200B"]

9.   **As per claims 10, 20 and 30** Traversat **discloses** an apparatus/method/system/ as

applied to claims above. Furthermore **Traversat** discloses an apparatus/method/system

wherein the distributor [figure 21, reference "200C" or reference "200D"] distributes the

collected internal message to the external peer [Figure 21, reference " 200A", or reference

"200B"] via the gateway device.[Figure 21, reference "260"]

10.   <u>**As per claim 35**</u> **Traversat discloses** gateway device as applied to claims above.

Furthermore **Traversat** discloses the gateway device further comprising: a relay server [figure

25, reference "270"] **(As explained on paragraph "0033" any peer in a peer group can**

become a relay peer,therefore the proxy service shown on figure 25, reference "270" can

act as a relay server) to interface to a number of external peers outside the firewall.[figure 25,

references "200A-200C"] [**the proxy service/relay server interfaces with a number of**

external peers outside the firewall as shown on figure 25, references 200A, 200B and

200C]

(10) Response to Argument

Appellant's argument filed with the Appeal brief, on 05/16/2007 have been fully

considered but they are not persuasive.

In view of the Appellant's argument filed on the Appeal brief, Examiner would point out

that each and every limitation of the independent claims 1, 11, 21 and 31 are still

anticipated by the reference on the record, namely **Traversat.**

Before responding to the Appellant's argument, Examiner would indicate why and how

each and every limitation of the independent claims, namely independent claims 1, 11,

21 and 31 are disclosed by the reference/s on the record namely **Traversat.**

<u>**Referring to the independent claims 1, 11, 21 and 31**</u>, **Traversat, the reference on**

the record discloses an apparatus/method/system/a gateway device comprising:

●   **A collector inside the firewall to collect a message intended for an internal**

peer inside a firewall [figure 21, ref. Num "SMTP 262" and paragraph 0457] *(As it is*

been disclosed on paragraph 0457, FIG. 21 illustrates email exchange through a firewall

248 via an email gateway 260 according to one embodiment. In this example, peers 200A

and 200B outside the firewall 248 may exchange messages to peers 200C and 200D via

the email gateway 260. In one embodiment, there may be an SMTP (Simple Mail Transfer

Protocol) service 262 on each peer 200. In one embodiment, 100% peer-to-peer access may

not be guaranteed. In one embodiment, inside the firewall 248, mail account

administration may impose restrictions. It is known in the art that "SMPT" is nothing but

is a core internet protocol used to transfer e-mail message between servers , transferring

email across the internet. In other words internal peers, inside the firewall, in order to

get/receive e-mail messages from external peers the message has to be collected,

otherwise peers inside the firewall won't be able to receive email message coming from

external peers shown on figure 21, ref. Num "200A and/or 200B". Therefore any

computer/server/device which collects email message inside the firewall meets the

limitation of a "collector". For the definition of SMTP model, Please see the discussion

presented about the "collector" below.)

via a gateway device at the firewall,[figure 21, reference "260" or figure 20, reference

"246"] **the message being transmitted by an external peer outside the firewall;**

[Paragraph 0457 and figure 21, reference "200A" or "200B"]

the internal peer being registered internally for an external communication across

the firewall; [On paragraph 0457] (On paragraph 0457, the following has been

disclosed. "In one embodiment, inside the firewall 248, mail account administration

may impose restriction." And this implies the fact that there is a mail account

administration inside the firewall 248 shown on figure 21, and one of the main duties of

"a mail account administration" to register and administer peers. Therefore this meets

the argued limitation. Meaning the internal peers are registered in mail account

administration internally for an external/internal communication across the firewall.)

and a distributor coupled to the collector to distribute the message to the internal

peer if there is a match in address information of the message and the registered

internal peer. [figure 31 and 32; or figure 21, reference "200C" or "200D" and figure

25, ref. Num "200D"; paragraph 0032-0033; 0409, 0411 and paragraph 0380] (As explained on

paragraph "0033" any peer in a peer group can become a relay peer therefore either of the peers

inside the firewall shown on figure 20 reference 200D or 200E or figure 21, reference 200C or

200D can be used as relay peers. Relay peer receives message form the source peer as explained

on figure 31 reference "522" and also these relay peers which is explained to be either of the

reference 200D or 200E is coupled to the other internal peer like peer "200F" as shown on figure

25. Either of these peers routes/distributes the message to destination peers using the cached

route information as explained on figure 31, reference "524" and this meets the recitation

distributor coupled to the collector/(the collector could be any device which collects message

inside the firewall as explained before), to distribute the message to the internal peer.. Likewise,

Traversat on paragraph 0032, discloses that, a relay peer may maintain information on routes to

other peers, and assist in relaying messages to other peers. Relay peers may maintain routing

tables which may be used in relaying messages to their destination. The relay peer may keep

information about routes that it discovers and store them in the route table. This allows the relay

peer to build a knowledge base (the route table) about the network topology as more messages

flow on the system. Route information may include, but is not limited to, the peer identifier of the

source, the peer identifier of the destination, a time-to-live (TTL) for the route, and an ordered

sequence of gateway peer identifiers. **Furthermore on paragraph 0380,** Traversat discloses the

fact that the endpoint routing protocol define a set of request/query messages that is processed

by a routing service to help a peer route messages to its destination. **When a** peer **is asked to**

send a message to a given peer **endpoint** address, **it looks in its local cache to determine if it**

has a cached route to this peer **and this meets the limitation of distributing the message to the**

registered internal peers if there is a match in address information of the message and the

registered internal peers.)

Note: Examiner would point out that, the above mapping of the reference/s on the record to the argued independent claims, would not only clarify examiner's interpretations but also apply/reply to almost all of the Appellant's argument

However, having shown how the reference on the record is mapped to each and every limitation of the argued independent claims, Examiner would continue to respond to the Appellant's argument as follows.

Referring to the independent claims 1, 11, 21 and 31, Appellant's first argued that Traversat, the reference on the record, does not disclose, either expressly or inherently, (1) a collector inside a firewall to collect a message intended for an internal peer inside a firewall via a gateway device at the firewall.

Examiner disagrees with this argument.

Examiner would point out that, Traversat on paragraph 0457, discloses the following. "FIG. 21 illustrates email exchange through a firewall 248 via an email gateway 260 according to one embodiment. In this example, peers 200A and 200B outside the firewall 248 may exchange messages to peers 200C and 200D via the email gateway 260. In one embodiment, there may be an SMTP (Simple Mail Transfer Protocol) service 262 on each peer 200. In one embodiment, 100% peer-to-peer access may not be guaranteed. In one embodiment, inside the firewall 248, mail account administration may impose restrictions."

Examiner would indicate the fact that, "SMTP" is nothing but a core internet protocol used to transfer e-mail message between servers , transferring email across the internet. In other words peers inside the firewalls shown on figure 21, such as peer 200D and/or peer 200C, in order to get/receive e-mail messages from external peers the message has to be some how be collected. Otherwise peers inside the firewall won't be able to receive email message coming from external peers shown on figure 21, ref.

Num "200A and/or 200B" or from any where for that matter. Furthermore, it has been explicitly disclosed that, **"there may be an SMTP (Simple Mail Transfer Protocol) service 262 on each peer 200."**

The following definition of SMTP is found from the following web site.

http://www2.rad.com/networks/2006/smtp/model.htm

"SMTP uses the concept of spooling. The idea of spooling is to allow E-Mail to be sent from a local application to the SMTP application, **which stores the E-Mail in some device or memory.** Once the E-Mail has arrived at the spool, it has been queued. **A server checks to see if any messages are available and then attempts to deliver them. If the user is not available for delivery, the server may try later.** Eventually, if the E-Mail cannot be delivered, it will be discarded or perhaps returned to the sender. This is known as an end-to-end delivery system, because the server is attempting to contact the destination to deliver, and it will keep the E-Mail in the spool for a period of time until it has been delivered."

Therefore email is stored in some device/server insider the firewall as indicated above and this meets the limitation of a "Collector."

Secondly, Appellant's argued that Traversat, the reference on the record, does not disclose, either expressly or inherently, the limitation recited as "the internal peer being registered internally inside the firewall for an external communication across the firewall."

Examiner disagrees with this argument.

Examiner would indicate that on paragraph 0457, the following has been disclosed. "In one embodiment, inside the firewall 248, mail account administration may impose restriction." And this implies the fact that there is a mail account administration inside the firewall 248 shown on figure 21, and one of the main duties of "a mail account administration" is to register and administer peers. Therefore this meets the argued

limitation. Meaning the internal peers are registered in mail account administration internally for an external/internal communication across the firewall.

Thirdly, Appellant's argued that Traversat, the reference on the record, does not disclose, either expressly or inherently, the limitation recited as "a distributor to distribute the message to the registered internal peer if there is a match in address information of the message and the registered internal peer."

Examiner disagrees with this argument.

Examiner would show that on paragraph "0033" the following has been taught. For instance, paragraph 0033, indicates that any peer in a peer group can become a relay peer. Therefore either of the peers inside the firewall shown on figure 20 reference 200D or 200E or figure 21, reference 200C or 200D can be used as relay peers. Relay peer receives message form the source peer as explained on figure 31 reference "522" and also these relay peers which is explained to be either of the reference 200D or 200E is coupled to the other internal peer like peer "200F" as shown on figure 25. Either of these peers **routes/distributes** the message to destination **peers using the cached route information as explained on figure 31, reference "524"** and this meets the limitation recited as "distributor coupled to the collector/(the collector could be any device which collects message inside the firewall as explained before", to distribute the message to the internal peer. **Likewise, Traversat on paragraph 0032, discloses that,** a relay peer may maintain information on routes to other peers, and assist in relaying messages to other peers. Relay peers may maintain routing tables which may be used in relaying messages to their destination. The relay peer may keep information **about routes that it discovers and store them in the route table**. This allows the relay peer to build a knowledge base (the route table) about the network topology as more messages flow on the system. Route information may include, but is not limited to, the peer identifier of the source, the peer identifier of the destination, a time-to-live

(TTL) for the route, and an ordered sequence of gateway peer identifiers. **Furthermore on paragraph 0380,** Traversat discloses the fact that the endpoint routing protocol define a set of request/query messages that is processed by a routing service to help a peer route messages to its destination. **When a** peer **is asked to send a message to a given** peer **endpoint** address, **it looks in its local cache to determine if it has a cached route to this** peer and this meets the limitation of distributing the message to the registered internal peers **if there is a match in address information of the message and the registered internal peers.)**

In response to the Appellant's argument regarding the dependent claims, examiner would point out that the dependent claims stands and falls with the corresponding independent claims.

11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Samson Lemma.
S·L·

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